UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 10 PM 1:46

BY: DEPUTY

UNITED STATES OF AMERICA	Magistrate Docket No.
Plaintiff	COMPLAINT FOR VIOLATION OF:
v.	**TITLE 18 U.S.C. § 1544**
Ossiris BANUELOS	**Misuse of Passport (Felony)**
Defendant	'08 MJ 1808

The undersigned complainant, being duly sworn, states:

On or about June 9, 2008, within the Southern District of California, Defendant Ossiris BANUELOS did knowingly and willfully use a U.S. Passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry into the United States by presenting U.S. Passport number 037492657, issued to Arnoldo LOERA GONZALEZ to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that he was not Arnoldo LOERA GONZALEZ, and that the U.S. Passport was not issued or designed for his use; all in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Lynn F. Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 10th day of June, 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Lynn Falanga Michaels, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for ten years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Ossiris BANUELOS, hereafter referred to as DEFENDANT, used a U.S. Passport, not belonging to him, as identification to apply for entry into the U.S. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport

3. On or about June 9, 2008, DEFENDANT presented U.S. Passport number 037492657 in the name of Arnoldo LOERA GONZALEZ to a CBP Officer with the intent to gain entry to the U.S.

4. DEFENDANT was referred to secondary inspection because the CBP Officer noticed that he could not remove the key from his vehicle and that based on his training and experience, the occupants of the vehicle were most likely undocumented aliens. Upon arriving in secondary inspection, DEFENDANT was fingerprinted and a previous criminal record and the true identity of DEFENDANT was revealed.

5. Affiant conducted checks of the U.S. Department of State U.S. Passport database and learned that U.S. Passport number 037492657 had been issued on July 24, 2000 to Arnoldo LOERA GONZALEZ.

6. On June 9, 2008 at approximately 1225 hrs, Reporting Agent and a CBP Officer interviewed DEFENDANT at the San Ysidro Port of Entry. DEFENDANT read a Miranda warning and waived his rights by signing this form. DEFENDANT admitted that his true name was Ossiris BANUELOS, that his true date of birth was December 18, 1985, that his true place of birth was in Nayarit, Mexico, and that the U.S. Passport he used on this day was not issued to him for his use. DEFENDANT admitted that he purchased the U.S Passport for $2,500 in Tijuana, Mexico. DEFENDANT stated that he had been living in the U.S. for an extended period of time.

7. DEFENDANT was the operator of his own vehicle, transporting two individuals he knew were undocumented aliens who agreed to pay him $2,000 each to drive them into the U.S.

8. On the basis of the facts presented in this probably cause statement, there is probable cause to believe that:

- DEFENDANT named in this probable cause statement, committed the offense on June 9, 2008 – in violation of Title 18 U.S.C., Section 1544, Misuse of a Passport – when he knowing and willfully used the U.S. Passport belonging to another, Arnoldo LOERA GONZALEZ, knowing that it was not issued to him or designed for his use.

Lynn F. Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service